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Adam Brendel, John "James" Buchanan,
8 *Timothy Howard and William Miller*

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 THOMAS JENSEN,

12 Plaintiff,

13 v.

14 ADAM BRENDEL, et al.,

15 Defendants.

Case No. 3:16-cv-00407-MMD-CBC

**MOTION FOR EXTENSION OF TIME TO
FILE MOTION FOR SUMMARY
JUDGMENT**

(First Request)

16
17 Defendants Adam Brendel, John "James" Buchanan, Timothy Howard and William Miller, by
18 and through counsel Adam Paul Laxalt, Attorney General of the State of Nevada, and Darby G. Phelps,
19 Deputy Attorney General, hereby submit their Motion for Extension of Time to File Motion for
20 Summary Judgment. This Motion is based on Federal Rule of Civil Procedure 6(b)(1)(A), the
21 following Memorandum of Points and Authorities, and all papers and pleadings on file in this action.

22 **MEMORANDUM OF POINTS AND AUTHORITIES**

23 **I. ARGUMENT**

24 Defendants file this Motion for Extension of Time out of an abundance of caution. Filed
25 contemporaneously herewith is Defendants' Response to Plaintiff's Motion to Compel Discovery
26 ("Response"). The Response requests that the Court amend the scheduling order and reopen discovery
27 for an additional sixty (60) days. Defendants did not receive Plaintiff's Requests for Production of
28 Documents or the correspondence Plaintiff attached as exhibits to his Motion to Compel Discovery

1 (ECF No. 22). The Response further requests that the Court move the dispositive motions deadline to
2 thirty (30) days after the new discovery deadline. In the event the Court declines to reopen discovery
3 and amend the scheduling order, Defendants respectfully request an additional thirty (30) day extension
4 of time from the date of the entry of the order denying the request to amend the scheduling order.

5 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

6 When an act may or must be done within a specified time, the court may,
7 for good cause, extend the time: (A) with or without motion or notice if
8 the court acts, or if a request is made, before the original time or its
9 extension expires; or (B) on motion made after the time has expired if the
party failed to act because of excusable neglect.


10 Defendants' request is timely and its limited nature will not hinder or prejudice Plaintiff's case.
11 The requested thirty (30) day extension of time should permit Defendants time to file a motion for
12 summary judgment after a decision on the request to amend the scheduling order. Defendants assert
13 that the requisite good cause is present to warrant the requested extension of time.

14 For these reasons, Defendants respectfully request a thirty (30) day extension of time from the
15 date of the order denying the request to amend the scheduling order, if applicable.

16 DATED this 20th day of November, 2018.


17 ADAM PAUL LAXALT
18 Attorney General

19 By:


20 DARBY G. PHELPS
21 Deputy Attorney General
22 State of Nevada
23 Bureau of Litigation
24 Public Safety Division

Attorneys for Defendants


25 IT IS SO ORDERED.

26 
27 U.S. MAGISTRATE JUDGE
28 DATED: 11/27/2018

1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that
3 on this 20th day of November, 2018, I caused to be served a copy of the foregoing, **MOTION FOR**
4 **EXTENSION OF TIME TO FILE MOTION FOR SUMMARY JUDGMENT**, by U.S. District
5 Court CM/CFE Electronic Filing to:

6 Thomas Jensen, #59748
7 Care of NNCC Law Librarian
8 Northern Nevada Correctional Center
9 P.O. Box 7000
10 Carson City, NV 89702
11 lawlibrary@doc.nv.gov

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14 An employee of the
15 Office of the Attorney General
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